

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OZONE INTERNATIONAL, LLC,

Plaintiff,

v.

WHEATSHEAF GROUP LIMITED,

Defendant.

No. 2:19-cv-01108-RAJ

ORDER ON MOTION FOR
INTRADISTRICT REASSIGNMENT
AND CONSOLIDATION

I. INTRODUCTION

This matter comes before the Court on Plaintiffs’ Motion for Intradistrict Reassignment and Consolidation. Dkt. # 56. For the foregoing reasons, the Court **GRANTS** the request to reassign and **DENIES** without prejudice the request to consolidate.

II. DISCUSSION

There are three cases relevant to this motion. The first is this matter, *Ozone International, LLC v. Wheatsheaf Group Limited*, No. 2:19-cv-01108-RAJ (W.D. Wash.) (“WGUK”). The other two are *Brandt v. Beadle*, No. 3:19-cv-06159-BHS (W.D. Wash.) (“Brandt”) and *Ozone International, LLC v. Wheatsheaf Group US, Inc.*, No. 3:19-cv-

1 06155-RAJ (W.D. Wash.) (“*WGUS*”). Plaintiff Ozone International, LLC (“Ozone”) and
2 Jonathan Brandt, plaintiff in *Brandt* (collectively “Plaintiffs”), move the Court to reassign
3 *Brandt* from the Honorable Benjamin H. Settle to the undersigned. *Id.* Plaintiffs also
4 request that this Court consolidate *Brandt*, *WGUK*, and *WGUS*. *Id.*

5 Pursuant to Local Rule 3(g), an action is related to another when the actions (1)
6 concern substantially the same parties, transaction, or event and (2) it appears likely that
7 there will be an unduly burdensome duplication of labor and expense or the potential for
8 conflicting results if the cases are conducted before different judges. Local Rules W.D.
9 Wash. LCR 3(g). A court may consolidate actions before it when there are common
10 questions of law and fact. Fed. R. Civ. P. 42(a)(2).

11 Plaintiffs here claim that *Brandt* involves “substantially the same parties” as
12 *WGUK* and *WGUS*. Dkt. # 56 at 9. Mr. Brandt, the plaintiff in *Brandt*, is the CEO of
13 Ozone and its lead negotiator for all transactions at issue in *WGUK* and *WGUS*. Dkt.
14 # 56 at 9. Ozone is the plaintiff in both *WGUK* and *WGUS*. *Id.* The defendants in
15 *Brandt* are the officers and directors of Wheatsheaf UK and Wheatsheaf US and were the
16 lead negotiators of the transactions at issue in all three cases. *Id.* Wheatsheaf UK and
17 Wheatsheaf US are the defendants in *WGUK* and *WGUS*, respectively. *Id.* All three
18 cases stem from interrelated agreements between the parties and a Receivership. *Id.*

19 Defendant Wheatsheaf Group Limited (“Defendant”) argues that neither
20 reassignment nor consolidation is proper because two of the three cases at issue are
21 awaiting resolution of fully briefed motions to dismiss. Dkt. # 58 at 7. The Court agrees
22 that consolidation is not appropriate at this time and thus denies the motion to consolidate
23 without prejudice to re-filing once the dispositive motions have been resolved. However,
24 the Court finds that reassignment of *Brandt* to the undersigned is appropriate to avoid
25 conflicting results of related cases. Although the parties are not identical, the Court finds
26 that they are substantially the same and involve the same transactions and events. The
27 Court therefore **GRANTS** Plaintiffs’ motion to reassign of *Brandt v. Beadle*, No. 3:19-

1 cv-06159-BHS (W.D. Wash.) to the undersigned and **DENIES** consolidation without
2 prejudice to re-filing once the dispositive motions have been resolved.

3
4 **III. CONCLUSION**

5 Based on the foregoing reasons, the Court **GRANTS in part** and **DENIES in part**
6 without prejudice Plaintiffs' motion for intradistrict reassignment and consolidation. Dkt.
7 # 56. The Court **GRANTS** Plaintiffs' request to reassign of *Brandt v. Beadle*, No. 3:19-
8 cv-06159-BHS (W.D. Wash.) to the undersigned and **DENIES** without prejudice to re-
9 filing Plaintiffs' request for consolidation pending resolution of dispositive motions. *Id.*
10 The Court **directs** the parties to meet and confer to discuss the possible appointment of a
11 special master to handle discovery disputes, as noted by Plaintiffs. *Id.* at 13. Parties are
12 directed to file a joint statement and include recommendations for a discovery master if
13 the parties believe it is appropriate no later than December 28, 2020.

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15 DATED this 7th day of December, 2020.

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19 The Honorable Richard A. Jones
20 United States District Judge
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